



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0347/18
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	08/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features lingerie titled "Miss M". It features a woman posed with her hand on her face, wearing a black bra, garter belt and underpants. The lingerie is opaque and has gold button detailing.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

They are soft porn and an unavoidable display to everyone in the shopping centre! Shopping centres are frequented by all ages from children to the elderly. Have these posters inside the shop where they are not so visible to all passing by. Their posters are continually inappropriate and getting worse. I have photos but cannot attach them here. Very willing to email if you need them. They are selling sex and need sexy, but these posters should be kept in store and less explicit posters displayed to the public. I am with my children in a suburban shopping centre, not walking Oxford St sex shops with my husband.



Sexual content and nudity clearly visible to children

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Advertiser did not provide a response.

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainants' concern that the advertisement featured a sexualised image of a woman that was inappropriate for a broad audience which would include children.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted the poster advertisement featured lingerie titled "Miss M". It featured a woman posed with her hand on her face, and wearing opaque lingerie with gold button detailing. The Panel considered that the style of the lingerie in combination with the woman's pose did constitute sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.



The Panel considered that there was a particular focus on the woman's breasts in the advertisement, however considered that this focus was relevant to the lingerie being sold.

The Panel considered that the advertisement did not suggest the woman was an object, or was for sale, rather the advertisement featured the woman wearing the underwear that was for sale.

The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel then considered whether the advertisement used sexual appeal in a degrading manner.

The Panel considered that the advertisement depicted the woman as confident and empowered, and considered that the advertisement did not depict the woman in a way which lowered her in character or quality.

The Panel considered that the advertisement did not use sexual appeal in a degrading manner.

The Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people, and did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted that this poster advertisement was in the window of a store and was visible to people walking past the store, and considered that the relevant audience for this poster would be broad and would include children.

The Panel considered the complainants' concerns that the advertisement shows sexual content and nudity that is visible to children.

The Panel considered that the lingerie in the advertisement is opaque and has gold button detailing, and that the models nipples and genitals are not visible. The Panel considered that the lingerie is similar to swimwear in terms of the amount of visible skin.

The Panel noted that the model is posed with her hand on her face, and the Panel did not consider the pose to be overly sexual.



The Panel considered that overall the level of nudity is mild in the context of the advertised product and the while the lingerie itself has sexual appeal, the pose of the model is not overly sexualised. The Panel acknowledged that some members of the community might be offended by the advertisement but considered that the images are only mildly sexualised and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the code on other grounds, the Panel dismissed the complaints.

